

FILED  
Clerk  
District Court

1 DANILO T. AGUILAR, F0198  
2 Attorney at Law  
3 P.O. Box 505301  
4 First Floor, San Jose Court Bldg.  
5 Cor. Ghiyeghi St. & Wischira Way  
6 San Jose, Saipan, MP 96950  
7 TELEPHONE: (670) 234-8801  
8 FAX: (670) 234-1251

JAN 4 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

5 Attorney for Defendant

6 MICRONESIA WOODCRAFT ENT., INC. et al.

7 UNITED STATES DISTRICT COURT

8 FOR THE

9 DISTRICT OF THE NORTHERN MARIANA ISLANDS

11 SAIPAN HANDICRAFT,

12 Plaintiff,

13 v.

14 MICRONESIA WOODCRAFT ENT.,  
15 INC., TIRZO J. ADRIATICO,  
16 individually and as President of  
Micronesia Woodcraft Ent., Inc., and  
JOHN DOES 1-40,

17 Defendants.

11 CIVIL ACTION NO. 05-0040

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**DECLARATION OF TIRZO J.  
ADRIATICO IN SUPPORT OF  
OPPOSITION TO PRELIMINARY  
INJUNCTION**

I, Tirso J. Adriatico, hereby depose and say:

1. I am a citizen of the Philippines and with a long-term business  
permit since 1993.

2. I have been a resident of Rota since 1983 and was a brief  
resident of Saipan from 1990 to 1992;

3. I was first exposed to Bo Jo Bo dolls in 1983 when I was doing  
work with Mr. Capati's nephew. During that time, I was employed by Joaquin  
Atalig. I also learned in 1983 that the Taimanao family in Rota was already  
making the Bo Jo Bo dolls;

ORIGINAL

1           4. In 1990, I came to Saipan and worked for Plaintiff from 1991 to  
2 1992. Upon expiration of my work permit in 1992, my employment contract with  
3 Plaintiff was not renewed;

4           5. Since I am qualified to get a business license as a sole  
5 proprietor and having the basic knowledge, I decided to start Micronesia  
6 Woodcraft Ent., Inc. I am currently the company's President and General Manager;

7           6. In 1994, Micronesia Woodcraft Ent., Inc. started producing the  
8 Bo Jo Bo dolls in direct competition with the Plaintiff. I was the sole employee of  
9 the company then and I was creating and producing the dolls. However, before  
10 making the dolls, I approached Mr. Gus Camacho to ask permission to make the  
11 dolls after hearing from Plaintiff's employees that Mr. Camacho was the original  
12 creator;

13           7. Mr. Gus Camacho gave his permission for Micronesia Woodcraft  
14 Ent., Inc. to make the dolls citing that the product is locally made and anybody  
15 can make the dolls;

16           8. The initial design of the doll was – it had no hair, it had eyes  
17 and nose and a skirt. In addition, Micronesia Woodcraft Ent., Inc. started printing  
18 the "Legend of the Bo Jo Bo Dolls" and used it with the dolls;

19           9. In 1996, Rota Resort requested that hair, a seashell hat and  
20 colored skirt be added to the doll. At this point in time, while I was working on  
21 the Resort's request, Plaintiff was also using hair and a hat;

22           10. Plaintiff was aware that Micronesia Woodcraft Ent., Inc. was  
23 selling Bo Jo Bo dolls with the additional trimmings since 1996 because these  
24 dolls were sold in Garapan, Saipan, in addition to my sales in Rota;

1           11. In 1996, the business had grown to a point that I had to ask my  
2 wife to help in the business and had to hire two (2) employees. The company was  
3 then selling an average of 100 dolls a month;

4           12. In 1997, I had to hire three (3) more employees to produce the  
5 dolls and other wood products. It was also during this year that I started to sell the  
6 dolls at the Flame Tree Festival and every year thereon;

7           13. In 1998, I hired another four (4) employees to help in the  
8 growing demands of the expanding business. The average monthly sales had  
9 steadily increased to 200-300 dolls per month;

10           14. On or about October 1999, I started selling Bo Jo Bo dolls at the  
11 Garapan Street Market up to the present;

12           15. In 2000, I hired another four (4) employees to assist in making  
13 the dolls and other woodcraft products;

14           16. In 2001, I received a request from Crystal Palace in Garapan to  
15 produce Bo Jo Bo dolls with a pistaschio hat;

16           17. I also started selling the Bo Jo Bo dolls tourists at Banzai Cliff  
17 since 2003 after obtaining a permit from the Marianas Public Lands Authority;

18           18. In 2005, I had to hire another three (3) non-resident and six (6)  
19 resident workers to cope up with the growing demand for Bo Jo Bo dolls and other  
20 woodcraft products. At the present time, Micronesia Woodcraft Ent., Inc. sells an  
21 average of 1,000 dolls a month;

22           19. At present, I have 24 full time employees producing Bo Jo Bo  
23 dolls and other crafts at the production sites in Rota and Saipan. My employees are  
24 comprised of 18 non-resident workers and 6 local residents of Saipan;

1           20. Production and sales of Bo Jo Bo dolls currently comprise 60%  
2 of the income for Micronesia Woodcraft Ent., Inc.;

3           21. Approximately 90% of the Bo Jo Bo dolls manufactured by  
4 Micronesia Woodcraft Ent., Inc. utilize hair, a mouth, a pistachio nut cap, a grass  
5 skirt and a label indicating that Micronesia Woodcraft Ent., Inc. is the  
6 manufacturer;

7           22. All these times that I have produced varied versions of these  
8 dolls, Plaintiff was aware of my sale of dolls and the improvements thereon, and  
9 have not received any complaint about it;

10           23. Disputes only started to arise this year when orders of Bo Jo Bo  
11 dolls increased;

12           24. If a preliminary injunction were to issue and Micronesia  
13 Woodcraft Ent., Inc. was prevented from selling its Bo Jo Bo dolls, manufacturing  
14 of these dolls would essentially cease and will result in workforce reductions in  
15 the company. I believe I will have to cut my workforce in Rota and Saipan to 10  
16 employees or less;

17           25. A preliminary injunction will result in 60% loss of its current  
18 income and the continued viability of the business will be in doubt;

19           26. The issuance of a preliminary injunction will undo over 10 years  
20 of hard work to find customers and expanding my business;

21           27. A preliminary injunction would pose a substantial hardship to  
22 continue operating and essentially grant Plaintiffs a monopoly in sales of Bo Jo Bo  
23 dolls;

28. I declare under penalty of perjury under the laws of the United States that the foregoing is true and to the best of my knowledge.

Dated this 4th day of January, 2006

  
**TIRSO J. ADRIATICO**